

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

HEATHER NELSON,

Plaintiff,

v.

Case No.: 11-cv-307

SANTANDER CONSUMER USA, INC.,
PATRICK K. WILLIS CO., INC.,
d/b/a AMERICAN RECOVERY SERVICE,
ASSETSBIZ CORP. d/b/a ABC RECOVERY,

Honorable Barbara B. Crabb

Defendants.

**DEFENDANTS' MOTION IN LIMINE NUMBER 8:
TO EXCLUDE ALL EVIDENCE, TESTIMONY AND ARGUMENT
RELATING TO PLEADINGS IN OTHER LITIGATION INVOLVING DEFENDANTS**

Defendant Santander Consumer USA, Inc. (“Santander”), Patrick K. Willis Co., Inc., d/b/a American Recovery Service (“ARS”), and AssetsBiz Corp. d/b/a ABC Recovery (“AssetsBiz” and with Santander and ARS, “Defendants”), by their attorneys, respectfully request that this Court enter an order *in limine* to exclude at trial any and all evidence, testimony and argument relating to pleadings in other cases brought by other individuals against Defendants.

Plaintiff Heather Nelson has indicated that she intends, at a minimum, to present as evidence copies of pleadings in other cases filed against Santander. That information should be excluded under Federal Rules of Evidence 401 and 403 because it is irrelevant and prejudicial. Those pleadings themselves – let alone the legal actions in which they were filed – have no relevance to any of the claims plaintiff Nelson has for liability here nor as to what damages (if any) she suffered as a result of Defendants’ conduct. Therefore, pleadings from other litigation not involving plaintiff Nelson have no relevance to the issues to be decided here.

Additionally and alternatively, Rule 403 precludes the introduction of those pleadings or reference to those other cases. Specifically, introduction of this information would lead to a series of mini-trials over the merits of each of those unrelated claims against Santander and/or the other Defendants. These mini-trials would inevitably lead to unnecessary delay in the trial and juror confusion which vastly outweigh any marginal probative value this information may have. *See Goldberg v. 401 N. Wabash Venture LLC*, No. 09 C 6455, 2013 WL 1499043, at *3 (N.D. Ill. Apr. 11, 2013) (citing *Manuel v. City of Chicago*, 335 F.3d 592, 597 (7th Cir. 2003)). Accordingly, if somehow these pleadings or information relating to the underlying cases were relevant to the issues at trial in this matter, they should still be excluded.

WHEREFORE, defendant Santander Consumer USA, Inc., Patrick K. Willis Co., Inc. d/b/a American Recovery Service and AssetsBiz Corp., d/b/a ABC Recovery respectfully request that this Court enter an order precluding plaintiff Heather Nelson, her counsel, and all witnesses from disclosing or otherwise mentioning in the presence of the jury any and all references to exclude at trial any and all evidence, testimony and argument relating to any pleadings in other legal cases brought against Defendants.

Dated: May 10, 2013

SANTANDER CONSUMER USA, INC.,
PATRICK K. WILLIS CO., INC., d/b/a
AMERICAN RECOVERY SERVICE
AND ASSETSBIZ CORP., d/b/a/ ABC
RECOVERY
Defendants

s/ David Z. Smith
David. Z. Smith
Gary S. Caplan
Robert O'Meara
Reed Smith LLP
10 South Wacker Drive
Chicago, IL 60606
312.207.1000
dzsmith@reedsmith.com

CERTIFICATE OF SERVICE

I, David Z. Smith, hereby state that on May 10, 2013, I electronically filed the foregoing **DEFENDANTS' MOTION IN LIMINE NUMBER 8** with the Clerk of the U.S. District Court for the Western District of Wisconsin using the ECF system, which will send notification to all parties of record.

By: /s/ David Z. Smith
David Z. Smith (IL ARDC No. 6256687)
REED SMITH LLP
10 South Wacker Drive
Chicago, Illinois 60606
(312) 207-1000